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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,532	05/20/2002	Rolf Hartung	EF377398953US	4148
21003	7590	08/02/2006	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA 44TH FLOOR NEW YORK, NY 10112			KEENAN, JAMES W	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/030,532	Applicant(s) HARTUNG, ROLF	
	Examiner James Keenan	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17,18,21,22,25,26,28 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17,18,21,22,25,26,28 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/21/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The amendment filed 12/21/05 remains objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the recitation in paragraph [0021] that the cooling plate, heating plate, and loading station are disposed "about a linear axis (e.g., substantially parallel to the rails...)" is considered new matter, as previously noted in the Advisory action. Despite applicant's arguments otherwise, the drawings do not inherently portray this feature. Absent an explicit indication that the drawings are to scale, drawings can not be used to teach specific dimensions, proportions, or ratios. See MPEP 2125. Thus, extrapolating lines and comparing angles in the drawing is not persuasive. If the examiner had used the same argument to allege that a reference anticipated applicant's claim, it is believed highly unlikely that applicant would concur with such a conclusion.

Re applicants new arguments presented in the 5/26/06 amendment, the issue of whether MPEP 2125 refers to comparisons of drawings relative to prior art references or within the drawings of an application itself is not persuasive. First, applicant provides no basis for this statement (applicant's reference to 37 CFR 1.84(k)(3) appears to be either a typographical error or a reference to a previous version of the MPEP, as no such rule exists in the current version). Secondly, if there is a requirement that drawings within a reference be proportional, as applicant alleges, why would the MPEP state that, absent an explicit indication that the drawings are to scale, drawings can not be used to teach dimensions, proportions, or ratios? Finally, even if the elements within drawings were

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required to be in proportion to each other, the examiner remains of the opinion that figure 1 by itself does not show sufficient detail to conclude with any reasonable degree of certainty that the loading station and heating and cooling plates are disposed about a linear axis substantially parallel to the rails.

Applicant is required to cancel the new matter in the reply to this Office Action.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 17, 18, 21, 22, 25, 26, 28, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 17, line 8, the directional term "in front of" is vague in that the chamber has not been set forth as having any particular front, side, rear, etc., and thus the limitation carries no patentable weight;

in line 10, it is not clear relative to what "transverse" refers;

and line 11, the recitation "at least one fork arranged in a mount on said ... guide to move with ... two degrees of freedom" is unclear. Is this referring to the fork or the mount? As best understood, the fork has one degree of freedom relative to the mount, and the mount has one degree of freedom relative to the guide.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17, 18, 21, 22, 25, 26, 28, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parodi et al (US 5,651,823) in view of Yonemizu et al (US 5,958,145), both previously of record.

Parodi shows an apparatus for transferring wafers between cassettes disposed on loading stations 19, 20 in front of processing chamber 17 which includes adjacent heating and cooling plates 124, 126, 128 arranged "one in front of the other", comprising external handling device 13 having grippers 14, wherein the external handling device is "in front of" the wafer processing chamber, as broadly and indefinitely claimed (see fig. 4), and wherein the external handling device and the processing chamber are surrounded by an enclosure 11, and further comprising internal handling device 208 disposed within the chamber and "provided with a transverse guide" 324, wherein the internal handling device receives wafers directly from the external handling device (see col. 12, lines 35-44, col. 13, lines 39-46, and col. 21, lines 13-16) and moves the wafers between the heating and cooling plates.

Although processing chamber 17 is not explicitly disclosed as a vacuum chamber, it would have been obvious for one of ordinary skill in the art at the time of the invention to have constructed the chamber as a vacuum chamber, as it is generally known in the wafer handling art to utilize vacuum chambers for processing, particularly since applicant is claiming no specific details of the chamber.

Parodi does not show the internal handling device to comprise a fork having at least two degrees of freedom. The internal handling device is, however, arranged on a mount 322 that slides along the transverse guide. Also, the processing chambers may be stacked vertically (figures 2 and 4, col. 7, lines 47-50), obviously requiring some type of vertical movement.

Yonemizu shows a similar apparatus, including analogous “external” and “internal” handling devices 11 and 3, respectively, wherein the internal handling device includes a fork and moves with at least two degrees of freedom.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Parodi with an internal handling device having a fork with at least two degrees of freedom of movement, as shown by Yonemizu, as this would simply be an alternate equivalent type of wafer handling device for a similar purpose and in a similar environment.

6. Applicant's arguments filed 5/26/06 have been fully considered but they are not persuasive.

Applicant argues that neither reference individually discloses internal and external handling devices having the claimed limitations. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck &*

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Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As noted above, the combination of the references is deemed to render obvious the claims as currently presented.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

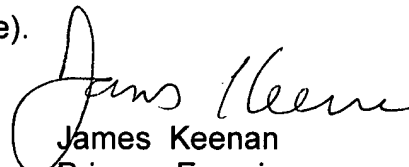
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is 571-272-6925. The examiner can normally be reached on (schedule varies).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James Keenan
Primary Examiner
Art Unit 3652

jwk
7/27/06